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CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTION OF: FREEDOM OF EXPRESSION

Written statement*/ submitted by the Organization for Defending Victims of Violence, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[12 January 2001]

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*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

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1. After the triumph of reformism in the presidential elections on 23 May 1997, an open political atmosphere was gradually created in Islamic Republic of Iran. In this period, a relatively suitable circumstances were created for launching different and even contradicting ideas about various social, political, cultural and economic and even religious subject-matters; mutual discussions have been formed which resulted in transparency and informative campaigns in different aspects of legal and political issues for people. Unfortunately, there are certain concerns regarding the situation of independent press in Islamic Republic of Iran.

2. This year, After the 56th Session of the Commission on Human Rights, a process of banning the press in Iran started by the Judiciary and the Special Court of Press. During some months, 30 newspapers and periodicals have been banned : Newspapers : Bahar, Bayan, Ham-mihan, Moshakerat, Sobhe-Emrooz, Payam-Azadi, Azad, Arya, Aftab-e Emrooz, Akhbar-e Eghtesad, Asr-e Azadegan, Fath, Bamdad-e-no, Mellat; Periodicals :Payam-e Hajar, Aban, Jebhe, Ava, Arzesh, Gozaresh-e Ruz, Cheshmeh-e Ardebil, Gunagoon, Tavana, Ruz-e dara, Iran-e Javan, Sepideh Zendegi, Khalij-e Fars, Mihan, Sobh-e Omid, Iran-e Farda,

3. Tehran Justice Office announced in a statement regarding the banning of the newspapers and periodicals referred to the Article 13 of as 'Punitive and Preventive Measures Act' adopted in 1960 and also Article 156 (para. 5) of the Constitution of the Islamic Republic of Iran.

4. Following the closing-down of the first series of newspapers and periodicals, the Ministry of Culture and Islamic Guidance issued a statement protesting to this measure. Also the Legal Committee of the Journalists Association, in an analysis, considered such measure of Tehran Justice Office illegal. Also many jurists have announced the legal reference of such measure by Tehran Justice Office incorrect.

5. One of the fundamental rights of individuals as stipulated in the Constitution of the Islamic Republic of Iran is the principle of freedom of expression mentioned in Articles 23 and 24. Article 23 states that "the investigation of individuals' beliefs is forbidden, and no one may be molested or taken to task simply for holding a certain belief." And Article 24 states that "publications and the press have freedom of expression except when it is detrimental to the fundamental principles of Islam or the rights of the public. The details of this exception will be specified by law." Also, freedom is a main part of the famous slogan (freedom, independence and Islamic Republic) based on which the Islamic Republic was shaped. It is a fact that freedom of expression and belief and freedom of press should be realized and respected in a cultural society like Iran. Meanwhile, the Islamic Republic of Iran is a State Party to the International Covenant on Civil and Political Rights which in Article 19 (2) stipulates : "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."

6. The point that should be considered that the process created after the election of Mr. Khatami as the president is inevitable and it cannot be prevented or stopped. Despite all these banned newspapers and periodicals, there are new press groups that have replaced the previous banned newspapers, which are published but trying to respect the other ideas and show more tolerance in the context of Iranian society. However, the freedom of expression is realized in other forms

rather than the newspapers. There have been certain gatherings especially students and workers gatherings which have been held with less attacks of the pressure groups. The rule of law is a necessity for our society.

7. The Organization for Defending Victims of Violence believes that the freedom of expression and the freedom of press and tolerance are the essential elements for creation of a civil society. It is hoped that in this year which has been proclaimed as the Year of Dialogue Among Civilizations (initiated by the Iranian President), freedom of expression should be respected in this country.